

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PHILIP FEI, on behalf of himself and classes
of those similarly situated,

Plaintiff,

v.

WESTLB AG,

Defendant.

Index No.: 07 Civ. 8785 (HB) (FM)

**AFFIRMATION OF NED H.
BASSEN**

Ned H. Bassen, an attorney duly admitted to practice law in the State of New York, hereby affirms the following to be true under penalty of perjury:

1. I am an attorney admitted to the bar of this Court and am associated with Hughes Hubbard & Reed LLP, attorneys for WestLB AG (“WestLB”) and submit this affirmation in support of WestLB’s opposition to Plaintiff Philip Fei’s motion to dismiss WestLB’s counterclaims in this action.

2. I am fully familiar with the facts and circumstances set out below based upon my personal knowledge and my review of the files maintained by my law office.

3. A true and correct copy of relevant excerpts of the 30(b)(6) deposition of WestLB, taken on January 17, 2008, is attached hereto as Exhibit A.

Dated: New York, New York
January 31, 2008

/s/ Ned H. Bassen
Ned H. Bassen